

Serial No.: 10/587,265
Atty. Docket No.: P69471US1

REMARKS

The Office Action mailed December 9, 2010, has been carefully reviewed and, by this Amendment, Applicants have canceled claims 17, 29 and 30, amended claims 22-28, and added claims 31-33. Claims 1-16, 18-28 and 31-33 are pending in the application. Claims 1, 14, 22 and 29 are independent. Claims 14-16 and 18-28 are withdrawn.

The Examiner objected to the drawings as including reference characters not mentioned in the description, specifically reference characters #1, #2, #4, #11 and #22. With the amendments to the specification set forth herein, a description of reference characters #1, #2, #4, #11 and #22 has been added to page 19. The added description corresponds with the description set forth in Applicants' earlier application, U.S. Serial No. 10/769,982, the priority of which has been properly claimed in the present application. Therefore, no new matter has been added. Favorable consideration and withdrawal of the drawing objection is requested.

The Examiner rejected claims 1-5 and 7-13 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 3,941,133 to Chen. Also under 35 U.S.C. 103(a), the Examiner rejected claim 6 as being unpatentable over Chen in view of U.S. Patent No. 6,326,421 to Lipman.

As set forth in claim 1, the present invention is directed to an absorbing element having adhesive properties including hydrocolloids in an elastomeric matrix. At least a part of a first facade of the absorbing element includes a plurality of grottos. Each grotto is at least 5 μ m in diameter, and the average diameter of the plurality of grottos is less than 300 μ m. The grottos are included within the first facade of the absorbing element in order to provide better access for water to reach the hydrocolloids, thereby altering the water absorption properties and profile (see the specification on page 5, lines 3-7). This structure is not shown or suggested by Chen.

Chen discloses a peristomal covering 11 including an adhesive member 13 and a backing member 12. A stoma bag may be adhesively secured to the backing member. The backing member 12 is made of a flexible polymeric film and is embossed to have a pattern of dimples 18 therein that are separated by raised ridges 17 (column 2, lines 3-14). The purpose of the raised ridges 17 is to prevent any leakage of fluid from the stoma bag from seeping across the backing member 12 to reach the edge of the covering 11 (see column 3, lines 16-25). This stated purpose of the ridges in Chen is not at all related to the purpose of the grottos according to the present invention. In addition, the ridges and dimples of Chen

are on an opposite side with respect to the skin-contacting surface.

Furthermore, in Chen the adhesive member 13 is made of pressure-sensitive rubbery elastomer, including hydrocolloids, that is pressed into adhesion with the backing member (see column 2, lines 30-60). Hence, in Chen it is the adhesive member 13 that includes the hydrocolloid but the backing member that has the dimples 18. Therefore, Chen does not disclose an *absorbing element* with hydrocolloids that also has grottos as claimed.

For at least the foregoing reasons, claim 1 is patentable over Chen. Favorable reconsideration and allowance of claim 1 is requested.

Claims 2-13 and 31-33 are also in condition for allowance as claims properly dependent on an allowable base claim.

In particular with respect to the new claims, the prior art does not disclose an absorbing element as set forth in claim 1 in which the first facade with the grottos is at least part of a skin-contacting surface of the absorbing element as set forth in claim 31. Nor does the prior art disclose or suggest that the grottos are configured to reduce peel adhesion by decreasing an adhesive surface area in contact with the skin as provided in claim 32. Finally, the prior art does not teach that the grottos have a

Serial No.: 10/587,265
Atty. Docket No.: P69471US1

different surface property as compared with a remainder of the first facade which is produced by the heat treatment forming the grottos as provided in claim 33.

In addition, Applicants have amended withdrawn apparatus claims 22-28 to include the limitations of the grottos from claim 1. In the event claims 1-13 are allowed, Applicants request rejoinder and allowance of claims 22-28.

With this amendment and the foregoing remarks, it is respectfully submitted that the present application is in condition for allowance. Should the Examiner have any questions or comments, the Examiner is cordially invited to telephone the undersigned attorney so that the present application can receive an early Notice of Allowance.

Respectfully submitted,

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